

Appl. No. 10/612,750
Response Dated June 12, 2006
Reply to Office Action of January 11, 2006

REMARKS

Claims 1-52 stand in this application. Claims 1, 2, 15, 24, and 25 have been amended. Claims 49-52 have been withdrawn. No new matter has been added. The applicants respectfully request favorable reconsideration and allowance of the standing claims.

35 U.S.C. § 112

Claim 15 has been rejected under 35 U.S.C. § 112 for not particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention. Applicant respectfully traverses the rejection based on the above amendments. The applicants have amended claim 15 in accordance with the Office Action, and removal of this rejection is respectfully requested. The applicants further submit that the above amendments are made to overcome a § 112 rejection and are not made to overcome the cited reference(s). Accordingly, these amendments should not be construed in a limiting manner.

35 U.S.C. § 102(e)

At page 3, paragraph 6 of the Office Action claims 1-17, 22-23, 25-34, and 42-45 stand rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent Application Publication US2003/0222780 to Sayegh et al. (hereinafter Sayegh). The applicants respectfully traverse the rejection and request reconsideration and withdrawal of the anticipation rejection.

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To establish a *prima facie* case of anticipation under 35 U.S.C. § 102, the Examiner must supply a single prior art document that alone teaches “. . . every aspect of the claimed invention either explicitly or impliedly.” (emphasis added) (See M.P.E.P. §706.02) If the Examiner cannot show that the single prior art document asserts each and every element and limitation of the applicants’ claims, then the Examiner has failed to establish a *prima facie* case of anticipation for that claim. To overcome the Examiner’s anticipation rejection, the applicants must only demonstrate that the cited prior art document fails to teach one element or limitation present in the claim.

Currently amended independent claim 1 recites in a salient portion:

. . . a linear clamp disposed within said tag housing, the linear clamp including a spring arm to bias the linear clamp against one or more abutments . . .
(emphasis added)

The Examiner asserts that Sayegh FIG. 5, element 34 discloses a linear clamp and FIG. 7 and FIG. 9, element 44 discloses a spring arm. The applicants respectfully assert however that Sayegh FIG. 5, FIG. 7, FIG. 9, and the portions of the specification directed thereto do not disclose the spring arm to bias the linear clamp against one or more abutments as recited by currently amended independent claim 1. For example, Sayegh paragraph [0048] discloses that “. . . resilient member 36 may be a resilient lever arm 43 and in an alternate embodiment . . . at least one spring 44 may be substituted for the resilient lever arm 43.” Further, “[r]esilient member 36 is maintained in proximal relations to a barrier 45, such that the attaching member 34 is maintained in axial alignment . . .” Further still, paragraph [0049] discloses that “[r]idges 48 and 50 prevent upward movement of attaching member 34, yet do not interfere with the sliding arrangement of attaching member 34 over first and second tracks 30 and 32.” The

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applicants respectfully assert that the portions of the specification applying to the alleged linear clamp and spring arm merely disclose that the resilient member (or spring) is maintained close to a barrier to maintain the alignment of the attaching member. The applicants respectfully affirm, however, that the same portions of the specification fail to disclose the spring arm to bias the linear clamp against one or more abutments. Accordingly, the applicants confirm that currently amended independent claim 1 is patentable as it recites at least an element not taught by Sayegh. The applicants further confirm that dependent claims 2-24 are patentable as each depends from a patentable independent claim.

Currently amended independent claim 25 recites at least a feature similar to those recited in currently amended independent claim 1. Therefore, for reasons analogous to those presented with respect to currently amended claim 1, the applicants respectfully submit that currently amended independent claim 25, and all claims directly or indirectly depending therefrom, are not anticipated and are patentable over Sayegh. Accordingly, the applicants respectfully requests removal of the anticipation rejection with respect to claims 25- 48.

35 U.S.C. § 103(a)

At page 9 paragraph 7 of the Office Action, claims 16, 18-21, 35-41, and 46-47 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sayegh. For at least the reasons offered with respect to the Examiner's §102 rejection, the applicants affirm that dependent claims 16, 18-21, 35-41, and 46-47 are patentable as each depends from a patentable independent claim.

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CONCLUSION

For at least the foregoing reasons, the applicants submit that they have overcome the Examiner's rejections and that they have the right to claim the invention as set forth in the listed claims. The Examiner is invited to contact the undersigned at 360-696-8602 to discuss any matter concerning this application.

The applicants do not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, the applicants hereby reserve the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

The applicants believe that claims 1-48 are in allowable form. Accordingly, the applicants earnestly solicit a timely Notice of Allowance to this effect.

Respectfully submitted,

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